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Applicants: Ian Redmond et al.

Title: Low Profile Optical Head

Application No.: 09/457,104

Filing Date: December 7, 1999

Examiner: Mohammad N. EDUN

Group Art Unit: 2655

Docket No.: M-8535 US

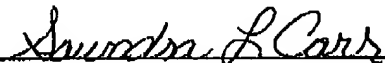
Confirmation No. 7303

Irvine, California
March 9, 2007Via Facsimile to (571) 273-8300Mail Stop OFFICE OF PETITIONS
Commissioner for Patents
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Alexandria, VA 22313-1450**CERTIFICATION OF FACSIMILE TRANSMISSION**

I hereby certify that the following documents are being facsimile transmitted to the U.S. Patent and Trademark Office on the date shown below:

- 1) Renewed Petition Under 37 CFR 1.137(b) (1 page)
- 2) Copy of Decision on Petition dated Feb. 22, 2007 (2 pages); and
- 3) Copy of Petition for Revival w/attachments filed Dec. 18, 2006 (11 pages)

Dated: March 9, 2007


 Sandra L. Carr
Number of pages (including this sheet): 15MacPherson Kwok Chen & Heid LLP
2033 Gateway Place, Ste. 400
San Jose, CA 95110Telephone: (949) 752-7040
Fax: (408) 392-9262 and (949) 752-7049LAW OFFICES OF
MACPHERSON KWOK CHEN
& HEID LLP1763 TECHNOLOGY DRIVE
SUITE 326
SAN JOSE, CA 95110
(949) 752-7040
FAX (408) 392-9262

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MAR 09 2007M-8535US
S.N. 09/457,104IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Ian Redmond et al.
Title: LOW PROFILE OPTICAL HEAD
Serial No.: 09/457,104 Filing Date: December 7, 1999
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Docket No.: M-8535US Confirmation No. 7303

Irvine, California
March 1, 2007Via Facsimile: (571) 273-8300

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COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, VA 22313-1450

RENEWED PETITION UNDER 37 CFR 1.137(B)

Dear Sir:

In response to the DECISION ON PETITION dated February 22, 2007, counsel for applicant hereby authorizes the Commissioner to charge the Petition fee that was inadvertently not enclosed with the Petition for Revival Of An Application For Patent Abandoned Unintentionally Under 37 CFR 1.137(b), that was mailed on December 18, 2006 (a copy of which is enclosed) to counsel's Deposit Account No. 50-2257 in the amount of \$750.00. The Commissioner is also authorized to charge Deposit Account No. 50-2257 to cover any additional fee(s) or underpayments of fee(s). If you have any questions, please do not hesitate contacting the undersigned counsel for applicant at (949) 752-7040.

I hereby certify that this correspondence is being transmitted by first class mail and addressed to Mail Stop PETITIONS, Commissioner of Patents, P. O. Box 1450, Alexandria, VA 22313-1450.

Sandra L. Carr
Sandra L. Carr

3-9-07
Date of Signature

Respectfully submitted,

Jonathan W. Hallman
Jonathan W. Hallman
Attorney for Applicant(s)
Reg. No. 42,622

LAW OFFICES OF
MACHINERSON, KWOK CHUN
& TUNG LLP
1403 MICHELSON DRIVE
SUITE 310
IRVINE, CA 92614
(949) 752-7040
FAX (949) 752-7049

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OFFICE OF PETITIONS

In re Application of
Redmond, et al.
Application No. 09/457,104
Filed: December 7, 1999
Attorney Docket No. 4154-9DECISION ON
PETITION

This is in response to the petition to revive under 37 CFR 1.137(b), filed December 21, 2006.

The petition under 37 CFR 1.137(b) is **DISMISSED**.

Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.137(b)." No further petition fee is due for a renewed petition. This is not a final agency decision within the meaning of 5 USC 704.

The above application became abandoned for failure to timely submit corrected drawings as required by the Notice of Drawing Inconsistency, mailed July 27, 2006. This notice set a non extendable period for reply of one (1) month. No corrected drawings having been received, the application became abandoned on August 28, 2006. A Notice of Abandonment was mailed on October 19, 2006.

Application No. 09/457,104

Page 2

A grantable petition under 37 CFR 1.137(b) must be accompanied by: (1) the required reply, unless previously filed; (2) the petition fee as set forth in 37 CFR 1.17(m); (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional; and (4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required by 37 CFR 1.137(d).

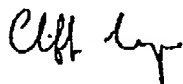
The instant petition lacks item (2). No petition fee was included, nor was an authorization to charge the fee to a deposit account present.

Further correspondence concerning this application should be addressed as follows:

By mail: Mail Stop Petitions
 Commissioner for Patents
 P.O. Box 1450
 Alexandria VA 22313-1450

By FAX: (571)273-8300
 Attn: Office of Petitions

Telephone inquiries related to this decision should be directed to the undersigned at 571-272-3207.



Cliff Congo
Petitions Attorney
Office of Petitions

PTO/SB/64 (09-06)
 Approved for use through 03/31/2007. OMB 0651-0031
 U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
 Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT
 ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)**

Docket Number (Optional)
 M-8535 US

First named inventor: Ian Redmond

Application No.: 09/457,104

Art Unit: 2627

Filed: December 7, 1999

Examiner: Mohammad N. Edun

Title: Low Profile Optical Head

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NOTE: If information or assistance is needed in completing this form, please contact Petitions Information at (571) 272-3282.

The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the office notice or action plus an extensions of time actually obtained.

APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION

NOTE: A grantable petition requires the following items:

- (1) Petition fee;
- (2) Reply and/or issue fee;
- (3) Terminal disclaimer with disclaimer fee - required for all utility and plant applications filed before June 8, 1995; and for all design applications; and
- (4) Statement that the entire delay was unintentional.

1. Petition fee

- ☒ Small entity-fee \$ 750.00 (37 CFR 1.17(m)). Applicant claims small entity status. See 37 CFR 1.27.
- ☐ Other than small entity - fee \$ _____ (37 CFR 1.17(m))

2. Reply and/or fee

A. The reply and/or fee to the above-noted Office action in the form of Response to Notice of Drawing Inconsistency (identify type of reply):

- ☐ has been filed previously on _____
- ☒ is enclosed herewith.

B. The issue fee and publication fee (if applicable) of \$ 700.00

- ☒ has been paid previously on July 28, 2005
- ☐ is enclosed herewith.

03/12/2007 TL0111 00000046 502257 09457104
 01 FC:2453 750.00 DA

[Page 1 of 2]

This collection of information is required by 37 CFR 1.137(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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PTO/SE/64 (09-06)

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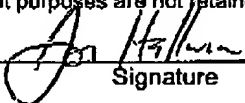
3. Terminal disclaimer with disclaimer fee

☒ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$ _____ for a small entity or \$ _____ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

4. STATEMENT: The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. [NOTE: The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c), subsections (III)(C) and (D)).]

WARNING:

Petitioner/applicant is cautioned to avoid submitting personal information in documents filed in a patent application that may contribute to identity theft. Personal information such as social security numbers, bank account numbers, or credit card numbers (other than a check or credit card authorization form PTO-2038 submitted for payment purposes) is never required by the USPTO to support a petition or an application. If this type of personal information is included in documents submitted to the USPTO, petitioners/applicants should consider redacting such personal information from the documents before submitting them to the USPTO. Petitioner/applicant is advised that the record of a patent application is available to the public after publication of the application (unless a non-publication request in compliance with 37 CFR 1.213(a) is made in the application) or issuance of a patent. Furthermore, the record from an abandoned application may also be available to the public if the application is referenced in a published application or an issued patent (see 37 CFR 1.14). Checks and credit card authorization forms PTO-2038 submitted for payment purposes are not retained in the application file and therefore are not publicly available.


Signature

Dec. 17, 2006

Date

Jonathan W. Hallman

Typed or printed name

42,622

Registration Number, if applicable

2402 Michelson Drive, Ste. 210

Address

(949) 752-7040

Telephone Number

Irvine, CA 92612

Address

Enclosures: ☒ Fee Payment☒ Reply☐ Terminal Disclaimer Form☐ Additional sheets containing statements establishing unintentional delay☐ Other: _____

CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)]

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Date

12-18-06

Signature

Saundra L. Carr

Typed or printed name of person signing certificate

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MAR 09 2007

Applicants: Ian Redmond et al.
Assignee: DPHI Acquisitions, Inc.
Title: Low Profile Optical Head
Serial No.: 09/457,104
Examiner: Unassigned
Docket No.: M-8535 US

Filing Date: December 7, 1999
Group Art Unit: 2653
Confirmation No. 7303

Irvine, California
December 1, 2006

Mail Box: Petitions
Commissioner for Patent
P.O. Box 1450
Alexandria, VA 22313-1450

RESPONSE TO NOTICE OF DRAWING INCONSISTENCY

Dear Sir:

Being filed concurrently herewith is a Petition for Revival of an Application for Patent Abandoned Unintentionally Under 37 CFR 1.137(b) for the above-referenced matter. In response to the Notice of Drawing Inconsistency dated July 27, 2006, a copy of which is enclosed herewith for your convenience, attached hereto are Replacement Formal Drawings (8 sheets). The Formal Drawings filed on July 28, 2006 unintentionally included Figs. 18-27 that are not part of the subject application. Applicant believes this now meets the requirements of the USPTO but if not, please contact the undersigned attorney for applicant at (949) 752-7040.

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to: Mail Stop Petitions, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date indicated below.

Sandra L. Carr
Sandra L. Carr

December 18, 2006
Date of Signature

Respectfully submitted,

Jonathan W. Hallman
Jonathan W. Hallman
Attorney for Applicant(s)
Reg. No. 42,622
Customer No. 32,605

LAW OFFICES OF
MACPHERSON, KWOK CHEN
& HEID LLP

3402 MICHELSON DRIVE
SUITE 210
IRVINE, CA 92612
(949) 752-7040
FAX (949) 732-7049

FIG. 1

09/457,104
M-8535 US
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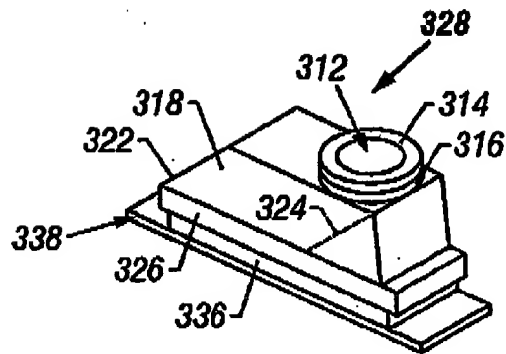


FIG. 3

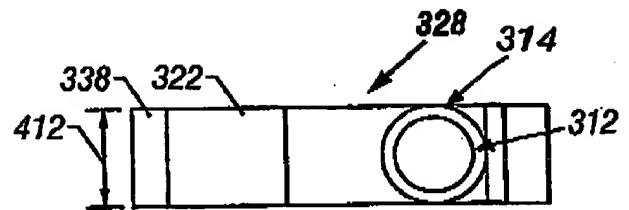


FIG. 4

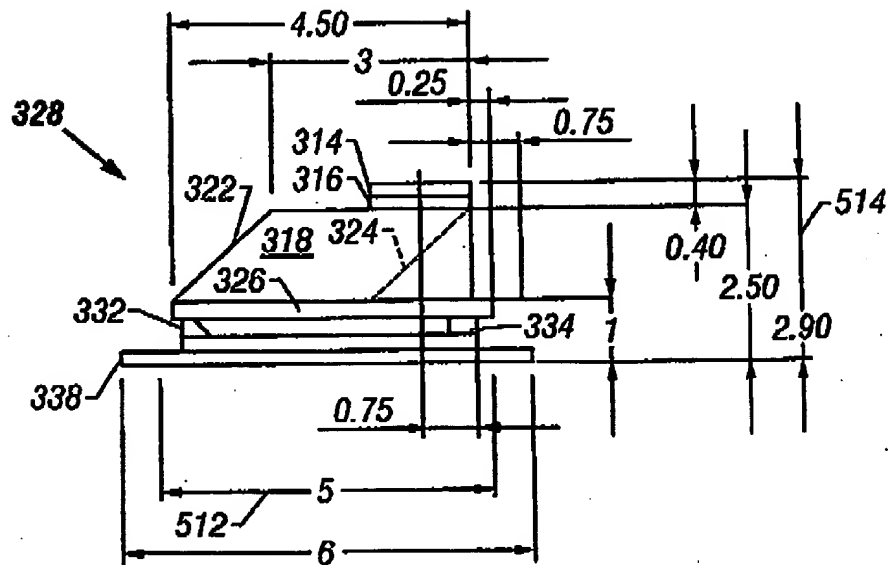
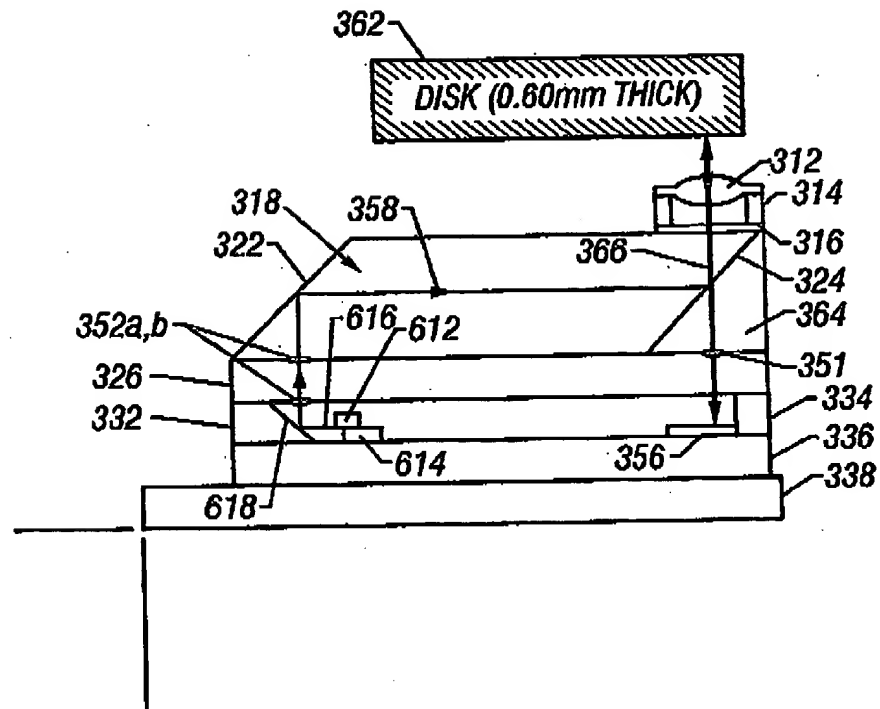


FIG. 5

09/457,104
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**FIG. 6**

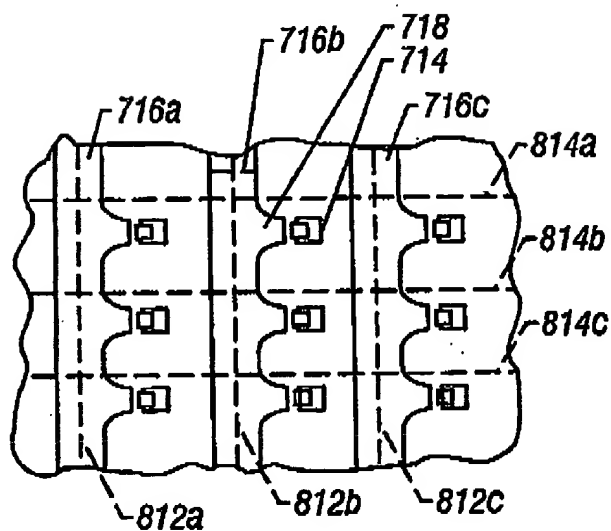
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M-8535 US
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FIG. 8

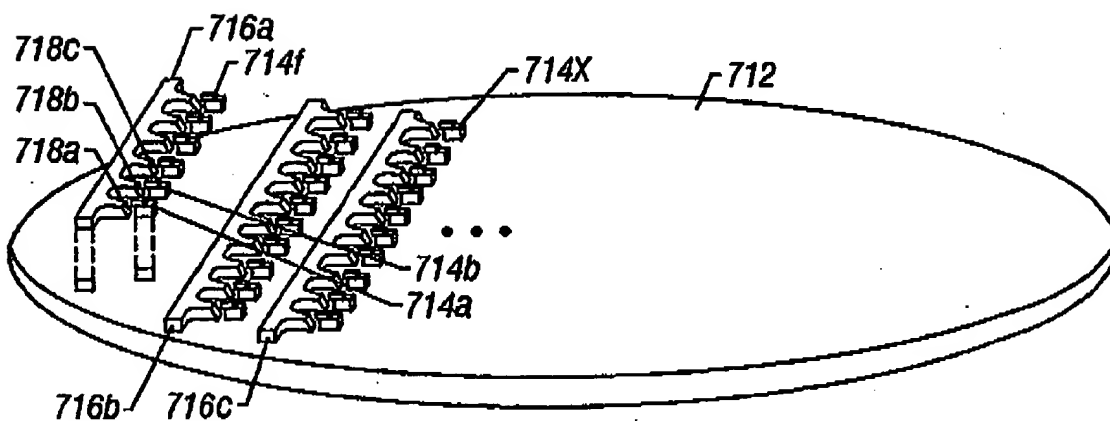
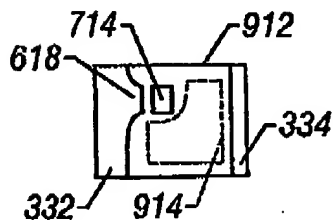
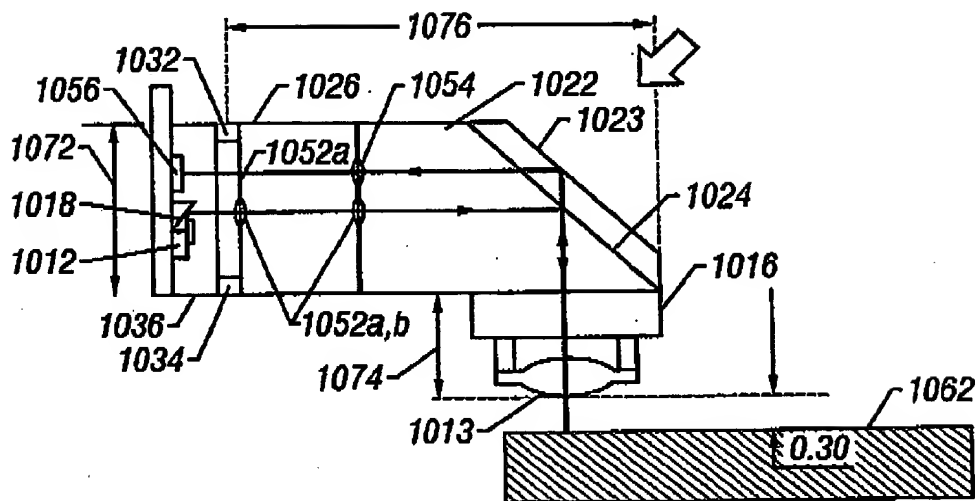
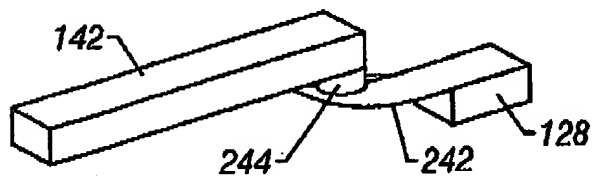


FIG. 7

09/457,104
M-8535 US
REPLACEMENT SHEET**FIG. 9****FIG. 10****FIG. 11**

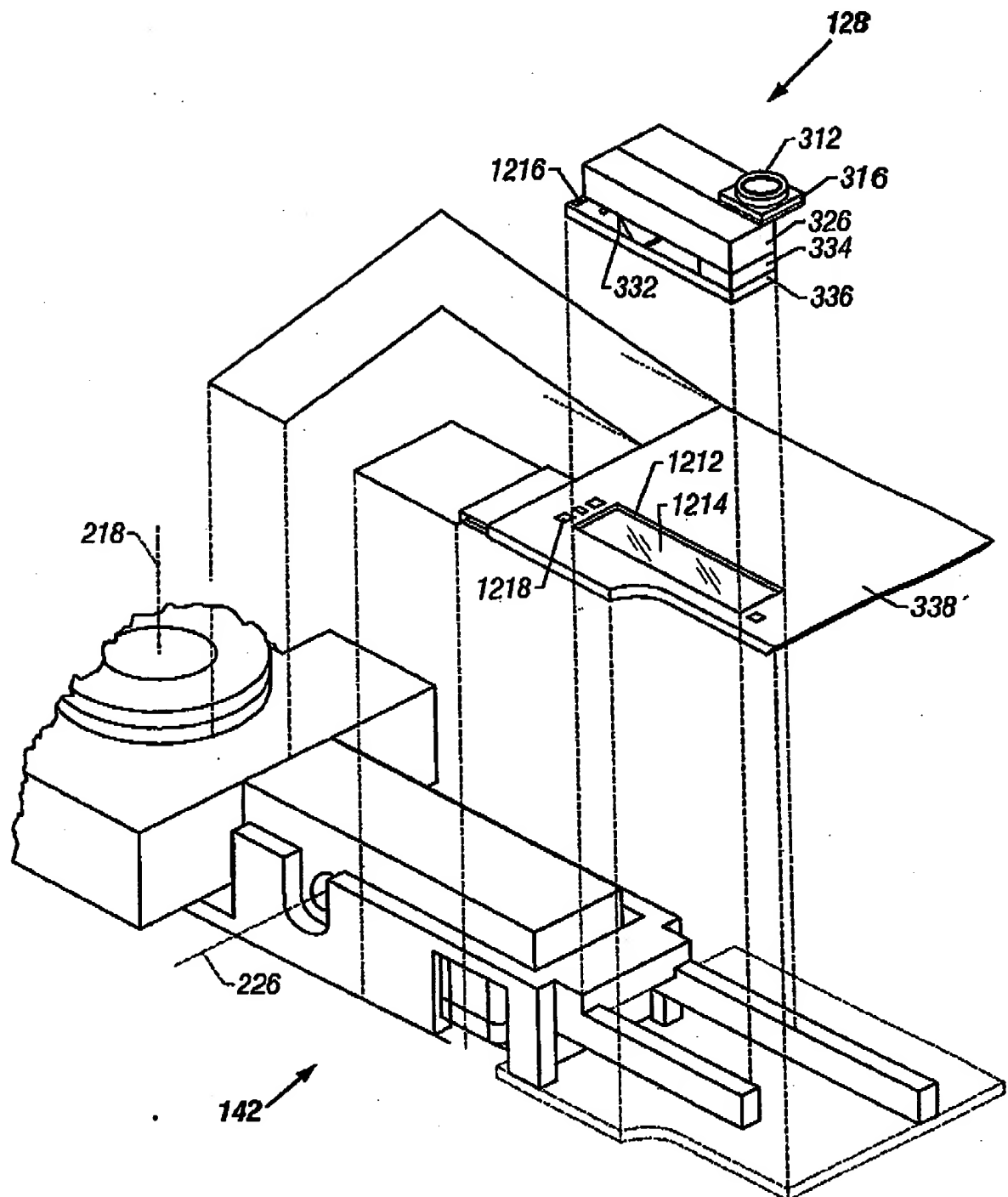
09/457,104
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FIG. 12

09/457,104
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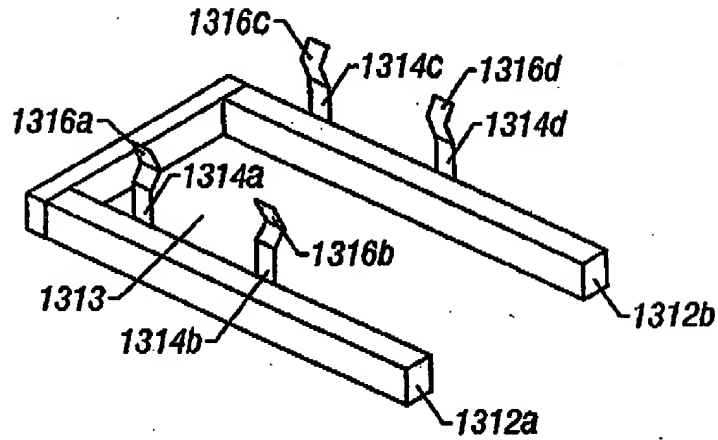


FIG. 13

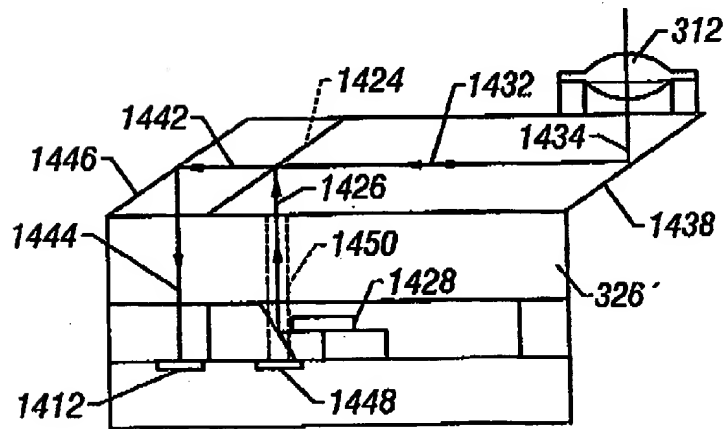


FIG. 14

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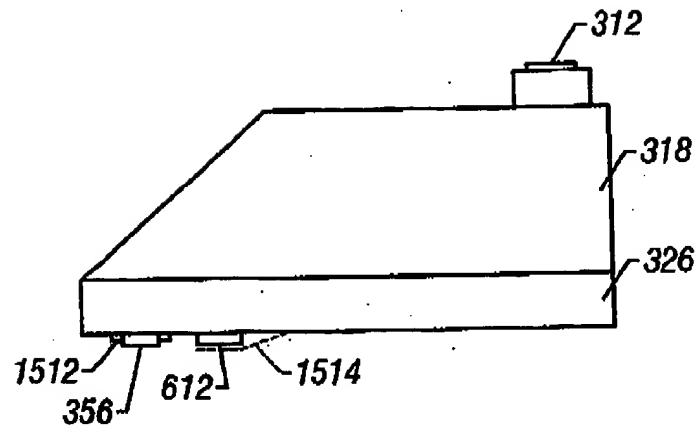


FIG. 15

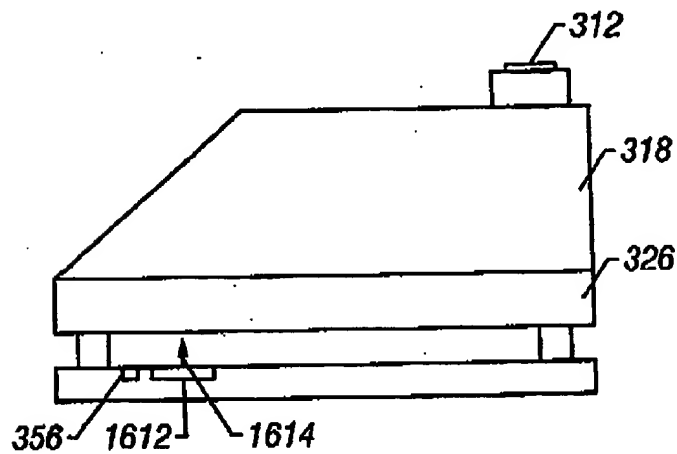


FIG. 16

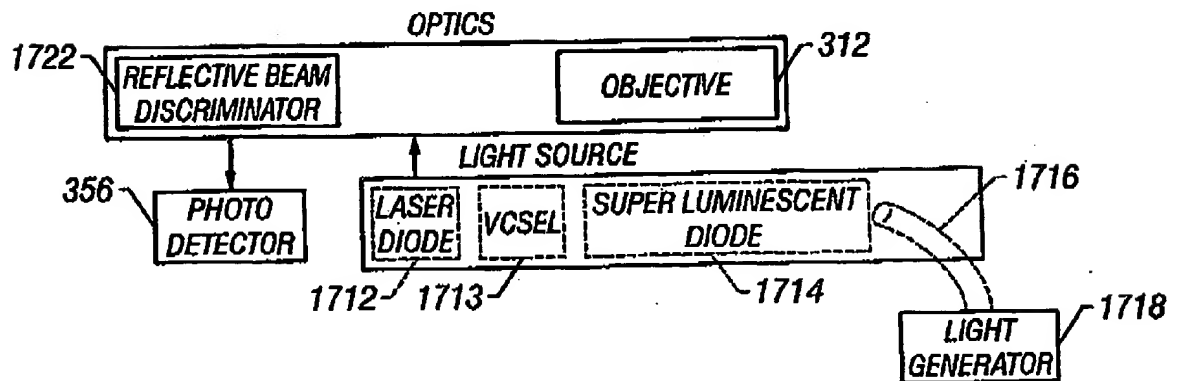


FIG. 17

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